

2008-33

>>> William Hupy <WHupy@Menomineeeco.com> 1/15/2009 4:36 PM

>>>

Dear Sirs:

I find this portion of the proposed rule to be fraught with problems:

(e) Any juror who observes or has reason to believe that another juror has used an electronic device in violation of this rule shall immediately inform the court of the violation.

In that the same requires one juror to inform on another. In the likely event that the accused juror denies the accusation, the trial judge would be required to conduct a hearing to ascertain the respective credibility of two jurors who could then later be asked to sit in deliberations together. This portion of the rule is ill advised.

*Judge Hupy*